



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We make Indiana a cleaner, healthier place to live.*

Frank O'Bannon  
Governor

Lori F. Kaplan  
Commissioner

August 22, 2003

100 North Senate Avenue  
P. O. Box 6015  
Indianapolis, Indiana 46206-6015  
(317) 232-8603  
(800) 451-6027  
[www.IN.gov/idem](http://www.IN.gov/idem)

TO: Interested Parties / Applicant

RE: Marathon AshlandPetroleum, L.L.C.  
089-1670-00231  
Chief, Permits Branch  
Office of Air Quality

## Notice of Decision: Section 112(j) Applicability Determination

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 4-21.5-3-5 (f) this order is effective fifteen (15) days after it is served. When served by U.S. mail, the order is effective three (3) calendar days from the mailing of this notice pursuant to IC 4-21.5-3-2(e).

If you wish to challenge this decision, IC 4-21.5-3-7 requires that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, ISTA Building, 150 W. Market Street, Suite 618, Indianapolis, IN 46204, **within (18) eighteen days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) the date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for consideration at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosure

112J DET.wpd 10/22/02



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Patrick J. Barnes 61-50 DW  
Marathon Ashland Petroleum, L.L.C.  
539 South Main Street  
Findlay, OH 45840

Re: Response to Review Request No. 16370:  
Section 112(j) Applicability Determination  
Plant ID: 089-00231

Dear Mr. Barnes:

Marathon Ashland Petroleum, L.L.C., located at 4206 Columbia Avenue in Hammond, Indiana, submitted a request for an applicability determination regarding the requirements of Section 112(j) of the Clean Air Act (CAA) on May 9, 2002. The letter was submitted in accordance with 40 CFR 63.52(d)(1) and requested that the Indiana Department of Environmental Management, Office of Air Quality (IDEM, OAQ) determine if Marathon Ashland Petroleum, L.L.C. is subject to the requirements of Section 112(j) (40 CFR 63.50 through 63.56) for the following source categories:

- Organic Liquids Distribution, Non-gasoline; and
- Site Remediation.

Pursuant to 40 CFR 63.50, the requirements of Section 112(j) will apply only if your entire source is a major source of hazardous air pollutants (HAPs) and one or more of your processes or emissions units belong in a category or subcategory for which the United States Environmental Protection Agency (U.S. EPA) has failed to promulgate an emission standard on or before the Section 112(j) deadline.

## MAJOR SOURCE DETERMINATION

The information submitted in the Part 1 MACT Application indicates that Marathon Ashland Petroleum, L.L.C. is a major source of HAPs. However, the Title V permit, T089-7400-00231, for Marathon Ashland Petroleum, L.L.C. indicates that the source is not a major source of HAPs. Since Marathon Ashland Petroleum, L.L.C. indicates that it is a major source of HAPs, IDEM, OAQ evaluated the source categories for which Marathon Ashland Petroleum, L.L.C. requested an applicability determination.

## SOURCE CATEGORY DETERMINATION

### 1. **Organic Liquids Distribution, Non-gasoline NESHAP**

IDEM, OAQ used the following information to determine if the potential jet fuel storage and distribution activities at Marathon Ashland Petroleum, L.L.C. belong to the affected source category, Organic Liquids Distribution, Non-gasoline:

- The Part 1 Maximum Achievable Control Technology (MACT) Application;
- The issued Title V permit for Marathon Ashland Petroleum, L.L.C.;
- The proposed federal rule from the April 2, 2002 *Federal Register*; and
- Background information available at the U.S. EPA Air Toxics Website at <http://www.epa.gov/ttn/atw/orgliq/orgliqpg.html>.

There is no final MACT Standard for the Organic Liquids Distribution, Non-gasoline source category. The proposed rule for this source category was published on April 2, 2002. Section 63.2334(b) of the proposed rule indicates that organic liquids are all crude oils other than black oil, and those liquids or liquid mixtures, except gasoline, that contain a total of 5 percent by weight or more of the organic HAP listed in Table 1 of this subpart. In addition, this section of the proposal states that your OLD operation must have a total organic liquids throughput of 27.6 million liters (7.29 million gallons) per year or more either into or out of the operation to be subject to the control provisions of this subpart. Finally, Section 63.2334(b)(1) of the proposal states that an OLD operation is the combination of activities and equipment used to transfer organic liquids into or out of a plant site or to store organic liquids on the plant site.

Based on this information, jet fuel storage and distribution activities would belong to the affected source category, Organic Liquids Distribution, Non-gasoline. Since Marathon Ashland Petroleum, L.L.C. does not currently store or distribute jet fuel, this source would not be subject to the proposed NESHAP for Section 112(j) or the Organic Liquids Distribution, Non-gasoline source category.

Pursuant to 40 CFR 63.52(e)(2)(i), based on the information available at this time, IDEM, OAQ has determined that Marathon Ashland Petroleum, L.L.C. would not be subject to the Section 112(j) for the affected source category, Organic Liquids Distribution, Non-gasoline for potential jet fuel storage and distribution activities. Marathon Ashland Petroleum, L.L.C. will not be required to submit a Part 2 MACT Application in accordance with 40 CFR 63.53(b) for this affected source category. If Marathon Ashland Petroleum, L.L.C. is subject to Section 112(j) for any other source categories, Marathon Ashland Petroleum, L.L.C. shall submit a Part 2 MACT Application for those source categories.

## 2. **Site Remediation NESHAP**

IDEM, OAQ used the following information to determine if the potential site remediation activities at Marathon Ashland Petroleum, L.L.C. belong to the affected source category, Site Remediation:

- The Part 1 Maximum Achievable Control Technology (MACT) Application;
- The issued Title V permit for Marathon Ashland Petroleum, L.L.C.;
- The proposed federal rule from the July 30, 2002 *Federal Register*; and
- Background information available at the U.S. EPA Air Toxics Website at <http://www.epa.gov/ttn/atw/siterm/sitermpg.html>.

There is no final MACT Standard for the Site Remediation source category. The proposed rule for this source category was published on July 30, 2002. Section 63.7881(b)(1) of the proposed rule indicates that this subpart applies if you own or operate a site remediation activity that is collocated within a facility with other sources that are individually or collectively a major source of HAP emissions. Based on this information, site remediation activities would belong to the affected source category, Site Remediation. Since Marathon Ashland Petroleum, L.L.C. does not currently operate any site remediation activities; this source would not be subject to the proposed NESHAP for Section 112(j) or the Site Remediation source category.

Pursuant to 40 CFR 63.52(e)(2)(i), based on the information available at this time, IDEM, OAQ has determined that Marathon Ashland Petroleum, L.L.C. would not be subject to the Section 112(j) for the affected source category, Site Remediation for potential Site Remediation activities. Marathon Ashland Petroleum, L.L.C. will not be required to submit a Part 2 MACT Application in accordance with 40 CFR 63.53(b) for this affected source category. If Marathon Ashland Petroleum, L.L.C. is subject to Section 112(j) for any other source categories, Marathon Ashland Petroleum, L.L.C. shall submit a Part 2 MACT Application for those source categories.

If U.S. EPA promulgates a final MACT standard prior to IDEM, OAQ issuing a permit containing the Section 112(j) determination requirements, a source is no longer subject to Section 112(j) for that source category, including the requirement to submit a Section 112(j) Part 2 MACT Application. A source is still subject to Section 112(j) for any other source categories that do not have promulgated MACT standards.

This determination is based on the information provided by Marathon Ashland Petroleum, L.L.C., IDEM, OAQ records, and the information currently available from the U.S. EPA. Note that if additional equipment or capacity is added or operational practices are changed (e.g., switching solvents from a solvent that contains no HAPs to a solvent containing HAPs), the Section 112(j) requirements may be triggered in accordance with 40 CFR 63.52(b). If the events described in 40 CFR 63.52(b) occur at the source, Marathon Ashland Petroleum, L.L.C. shall submit a Part 1 MACT Application in accordance with the requirements and schedule contained in 40 CFR 63.52(b).

Questions should be directed to Kimberly Cottrell, IDEM, OAQ, 100 North Senate Avenue, P.O. Box 6015, Indianapolis, Indiana, 46206-6015, or call (800) 451-6027 and ask for Kim Cottrell at extension 3-0870, or dial (317) 233-0870.

Sincerely,

Original signed by  
Paul Dubenetzky, Chief  
Permits Branch  
Office of Air Quality

KLC

CC: File – Lake County  
Lake County Health Department  
Air Compliance – Rick Massoels & Ramesh Tejuja  
Hammond Department of Environmental Management – Ron Novak, Chief  
Northwest Regional Office  
Administration Section  
U.S. EPA Region V – Genevieve Damico

William J. Day  
Marathon Ashland Petroleum, L.L.C.  
539 South Main Street  
Findlay, OH 45840